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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DAHNJE MARCEO,

Defendant and Appellant.

B212997

(Los Angeles County
Super. Ct. No. BA346357)

APPEAL from a judgment of the Superior Court of Los Angeles County, Hank M. Goldberg, Judge. Affirmed.

Roberta Simon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Dahnje Marceo appeals from the judgment entered following his plea of no contest to the deprivation of the custody of a child (Pen. Code, § 278.5, subd. (a)).¹ Imposition of sentence was suspended and Marceo was placed on probation for a period of four years. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

1. Facts.

Marceo and Raquel Butler have a child together. According to a child custody agreement, Marceo was to have custody of the child for a specified time ending at 7:00 p.m. on September 1, 2008. When it was time to return the child to Butler, Marceo telephoned Butler and told her he would not be returning the child on time. Butler went to the location specified for the transfer of custody and waited for approximately 45 minutes. Marceo never showed up with the child. Butler then went to the police station and reported Marceo's violation of the court order giving her custody.

2. Procedural history.

On September 15, 2008, the People filed a felony complaint charging Marceo with child custody deprivation in violation of section 278.5, subdivision (a). An amended complaint was filed on September 19, 2008.

A hearing was held on the matter on October 30, 2008. There, the trial court indicated there had been a negotiated disposition in the case. Marceo was to be granted four years of felony probation, which would include the time he had already served in county jail. After waiving his right to a preliminary hearing, a court or jury trial, the right to confront and cross-examine the witnesses against him, his right to subpoena witnesses and present a defense and his privilege against self-incrimination, Marceo pleaded no contest to "Section 278.5[, subdivision] (a)[,] child custody deprivation."

¹ All further statutory references are to the Penal Code unless otherwise indicated.

The parties stipulated that the trial court did not need to order a probation and sentencing report before sentence was imposed. The trial court “accept[ed] the . . . disposition based on the representations made regarding [Marceo’s] relatively minimal record and that there [were] no aggravating facts in particular in this case.” After the defense waived “arraignment for judgment” and “time for sentencing,” the trial court suspended imposition of sentence and granted Marceo probation for a period of four years under certain terms and conditions, including that jail time would be limited to the 36 days he had already served plus credit for 18 days of good time/work time. In addition, Marceo was to attend as conditions of probation “26 sessions of parenting [class] and 52 sessions of anger management [training].” Marceo was also to “have no contact with and not come within [one] hundred yards of . . . Raquel Butler.” The trial court ordered Marceo to pay a \$200 restitution fine (§ 1202.4, subd. (b)), a stayed \$200 probation revocation restitution fine (§ 1202.44) and a \$20 court security fee (§ 1465.8, subd. (a)(1)).

Marceo filed a timely notice of appeal on November 21, 2008.

This court appointed counsel to represent Marceo on appeal on March 10, 2009.

CONTENTIONS

After examination of the record, counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed July 10, 2009, the clerk of this court advised Marceo to submit within 30 days any contentions, grounds of appeal or arguments he wished this court to consider. No response has been received to date.

REVIEW ON APPEAL

We have examined the entire record and are satisfied counsel has complied fully with counsel’s responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-284; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

DISPOSITION

The judgment is affirmed.

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ALDRICH, J.

We concur:

KLEIN, P. J.

CROSKEY, J.